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ARIZONA ATTORNEY GENERAL

May 19, 1953
Opinion No. 53-103

TO: The Honorable W. L. "Tay" Cook
P. O. Box 246
Willcox, Arizona

RE: Residence requirements of electors
in school bond elections.

QUESTION: Must a property taxpayer be a resident
of a school district in order to vote
in a school bond election held in that
district?

There are two sections of the Code and one section of the Constitution of Arizona directly in point on this question. Article 7, Section 13 of the Constitution of Arizona reads as follows:

"§13. (Voters on bond issues.)--Questions upon bond issues or special assessments shall be submitted to the vote of real property taxpayers, who shall also in all respects be qualified electors of this state, and of the political subdivision thereof affected by such question."
(Emphasis supplied)

It will be seen from the above quotation that a real property taxpayer must "also in all respects be qualified electors".

The section of the Code bearing on elections on bond issues is Section 54-419, A.C.A. 1939, as amended, and reads in part as follows:

"When the election is called to decide upon the locating or relocating of school buildings, or the purchase or sale of school sites or school buildings, the election shall be called and conducted as regular school elections, except as to the time of holding the election, and the board of trustees shall be governed by the vote of the majority on all questions submitted. When the election is called to determine whether or not the

bonds of the district shall be issued and sold for the purposes enumerated in the call for the election, the question shall be submitted to the vote of the qualified electors of the district."
(Emphasis supplied)

In this section of the Code there appears the words "the question shall be submitted to the vote of the qualified electors of the district".

The qualifications of electors are set forth in Section 55-201, A.C.A. 1939, as amended which requires that an elector be a resident of the state for one year preceding the election and the county and precinct in which he claims the right to vote thirty days.

Therefore, in the light of the above quotations it is the opinion of this office that a real property taxpayer to be eligible to vote in a school bond election must be a qualified elector of the district. It follows from this that if a real property taxpayer owns property in a school district but is not a qualified elector of that district, he would not be eligible to vote in a school bond election.

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